

## REMARKS

In response to the Office Action mailed October 29, 2010, Applicants respectfully request reconsideration. Claims 66, 67, 71, 74, 75, 77, 78, 82, 174, 175, 181, 184-189 and 193-194 were previously pending in this application. By this amendment, claims 66, 78, 174-175, 181-186, 189 and 193-194 have been amended. As a result, claims 66, 67, 71, 74, 75, 77, 78, 82, 174, 175, 181, 184-189 and 193-194 are pending for examination with claims 66, 186 and 192 being independent claims. No new matter has been added.

### Claim Rejections – 35 U.S.C. §112

The Office Action rejects claim 189 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action asserts that there is no antecedent basis for the phrase “the remote mobile computer.”

Applicants respectfully traverse the rejection. Claim 189 depends indirectly from independent claim 186. At line 2 of claim 186, “a remote, mobile computer” is recited. Accordingly, antecedent basis for the questioned limitation is present in claim 186, and the rejection should be withdrawn.

### Claim Rejections – 35 U.S.C. §102

The Office Action rejects claims 66, 67, 71, 72, 74, 75, 77, 78, 82, 174, 175, 181, 184-191 and 193-194, including independent claims 66, 186 and 193 under 35 U.S.C. §102(e) as being anticipated by Jacobson et al. Applicants respectfully traverse the rejection to the extent it is maintained for the claims as amended.

#### *Independent claim 66*

Claim 66 has been amended and now recites, among other limitations:

an intermediary module that comprises at least one Application Programming Interface (API) to facilitate exchange of state attribute values with one or more state client modules (SCMs) that process values for the state attributes

and

automatically, with at least one processor, computing values of other state attributes based at least in part on the sent values of the state attributes, the computing generating a value characterizing a physical activity of the user from the sent values of the state attributes, the physical activity being at a higher level of abstraction and the sent values being at a lower level of abstraction;

Support for the amendments to claim 66 may be found throughout the application, including at p. 9, lines 7-16, p. 12, lines 10-14 and p. 13, lines 8-28.

Applicants respectfully submit that claim 66 distinguishes over Jacobson because the reference does not meet at least the limitations of claim 66 highlighted above. First, Jacobson is not understood to describe a characterization system as recited in claim 66. The reference does not disclose an intermediary module with an application programming interface to facilitate an exchange of state attribute values with state client modules.

Though the Office Action (p. 4) asserts that Jacobson discloses state client modules to process values for the state attributes at col. 3, lines 35-50, the cited passage describes a soldier unit that is connected to an integrated sensor unit. Rather than being a user characterization system separate from a remote user wearing a thin client wearable computer, as recited in claim 66, the cited passage relates to the same structures that the Office Action equates with the thin client wearable computer. It follows that the disclosed soldier unit cannot be the state client modules to which state attribute values are sent in such a way that would meet the limitation reciting: “sending at least some of the received state attribute values and at least some of the modeled other state attribute values through the at least one API to an SCM of the at least one SCMs.”

Second, Jacobson does not describe a computation that generates a value characterizing a physical activity of the user, which also would be required to meet the limitations of claim 66. The Office Action (p. 3) points to a passage of Jacobson that describes determining whether a soldier is injured, has hypothermia, or is losing blood. Applicants respectfully submit that these conditions do not constitute physical activities of the user.

Third, claim 66 recites “from the characterization system, interacting with the thin client wearable computer, the interacting comprising: providing a value for at least one of the computed

other state attributes to the thin client wearable computer, said value indicating the physical activity of the user.” As understood, the Office Action equates the characterization system with the leader/medic unit described in Jacobson. The Office Action equates the soldier unit with the thin client wearable computer. However, Jacobson does not describe in any of the cited passages (Office Action, p. 6) that the leader/medic unit provides a value indicating a physical activity of the user to the soldier unit.

To the contrary, the cited passage at col. 9, lines 11-19 describes feedback from the leader/medic unit changing the frequency at which data is sampled from the sensors worn by the soldier. The cited passage at col. 11, lines 40-50 describes sending instructions to appear on soldier’s display, but makes no mention of sending a value indicating a physical activity of the soldier. The cited passage at col. 12, lines 40-44 describes use of the leader/medic unit. The cited passage at col. 3, line 57 – col. 4, line 10 describes transmission of information from the soldier unit to the leader/medic unit, but not transmission from the leader/medic unit to the soldier unit. The cited passage at col. 13, lines 17-45 describes sending instructions for care of a soldier. None of these cited passages can reasonably be interpreted as describing providing a value indicating the physical activity of the user and thus the reference does not meet the limitation of claim 66 that requires: “from the characterization system, interacting with the thin client wearable computer, the interacting comprising: providing a value for at least one of the computed other state attributes to the thin client wearable computer, said value indicating the physical activity of the user.”

For any of the foregoing reasons, the rejection of claim 66 should be withdrawn. The rejection of dependent claims 66, 71-72, 73-75, 77-78, 82, 174-175, 181 and 84-85 should also be withdrawn at least based on the dependency of those claims.

Though, it should be appreciated that the dependent claims recite limitations that further distinguish over the reference. For example, claim 184 recites that, for a computed value characterizing a physical activity, the physical activity is the activity of exercising. Claim 185 recites that the physical activity is talking. In rejecting these claims, the Office Action cites to col. 6, lines 25-29 and col. 2, lines 50-55 of Jacobson. However, neither of those passages describes a computation that generates a value characterizing a physical activity that is either exercising or talking. To the contrary, the cited passage at col. 6, lines 25-29 describes parameters that may be

measured by sensors, but makes no mention of any computed value. The cited passage at col. 2, lines 50-55 merely mentions that the monitoring system may measure physiological variables during physical exercise or motion, but makes no mention of a computation, and specifically makes no mention of a computation that would determine a physical activity of the wearer, as would be required to meet the limitations of claims 184 or 185.

Accordingly, the rejections should be withdrawn.

*Independent claim 186*

Claim 186 has been amended and now recites, among other limitations:

modeling a second value of a second state attribute based at least in part on the first values, the second value modeled by selecting a value characterizing a user activity from a set comprising driving and walking

Support for the amendments to claim 186 may be found throughout the application, including at p. 15, line 10 through p. 16, line 19 and at FIG. 15.

Applicants respectfully submit that independent claim 186 distinguishes over Jacobson because Jacobson does not meet at least the limitation of claim 186 highlighted above. As should be apparent from the discussion of Jacobson in connection with claim 66, above, Jacobson describes a soldier unit that may be worn by a soldier during physical exercise or motion. However, the reference does not describe modeling a state attribute by selecting a value characterizing a user activity from a set comprising driving and walking. Accordingly, the rejection of independent claim 186 and the rejections of dependent claims 187-189 should be withdrawn.

*Independent claim 193*

Claim 193 has been amended and now recites, among other limitations:

automatically modeling values of other state attributes based at least in part on the sent values of the state attributes by computing a value characterizing an activity of the user from the sent values of the state attributes of a lower level of abstraction;

Support for the amendments to claim 193 may be found throughout the application, including at p. 13, lines 8-27.

Applicants respectfully submit that the rejection of independent claim 193 should be withdrawn because Jacobson does not meet all limitations of the claim. For reasons that should be apparent from the discussion of Jacobson, above, the reference does not describe an intermediary module of a user characterization system that computes a value characterizing an activity of a user. Further, there is no description of an intermediary module that interacts with a mobile computer where such interacting comprises: “providing a value for the at least one modeled other state attributes to the mobile computer, said value indicating the activity of the user.” Accordingly, the rejection of independent claim 193 and the rejections of dependent claim 194 should be withdrawn.

Claim Rejections – 35 U.S.C. §103

The Office Action rejects claims 186-189 under 35 U.S.C. §103(a) as being unpatentable over Jacobsen et al. in view of Grube et al. (US Patent No. 6,031,455). Applicants respectfully traverse the rejection.

The Office Action (p. 11) asserts that Grube teaches wirelessly transmitting from the system to the mobile computer current state information that includes the value indicating the user activity. There are at least two reasons that this rejection is inappropriate.

First, the cited passage describes environmental conditions, such as the presence of harmful gas or allergens. Contrary to the assertion in the Office Action, the cited passage does not relate to user activity as recited in claim 186.

Second, the Office Action does not provide a valid reason why the features of Grube would be incorporated into either a soldier unit or a leader/medic unit as described in Jacobson. The Office Action asserts that the reason for combining the references is to provide feedback to a user. However, this reason is clearly based on hindsight reconstruction. While Grube makes the point that a user may want to know about harmful gases, that does not teach informing the user of the activity being engaged in by the user. Accordingly, in the context of the claim, the references cannot be combined as asserted in the Office Action.

General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70784US00.

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Respectfully submitted,

By

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